

AF/1200
2673

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	08/900,964	
	Filing Date	July 25, 1997	
	First Named Inventor	Cappels, Richard D.	
	Art Unit	2673	
	Examiner Name	Nguyen, Jimmy H.	
Total Number of Pages in This Submission	11	Attorney Docket Number	P2106/757

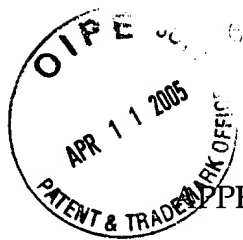
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Law Office of Nancy R. Simon		
Signature			
Printed name	Nancy R. Simon		
Date	April 7, 2005	Reg. No.	36,930

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:			
Signature			
Typed or printed name	Nancy R. Simon	Date	April 7, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PELLANT: Richard D. Cappelis

SERIAL NO: 08/900,964

FILING DATE: July 25, 1997

TITLE: System And Method For Generating High-Luminance
Windows On A Computer Display Device

EXAMINER: Jimmy H. Nguyen

ART UNIT: 2673

ATTORNEY DKT: P2106/757

REPLY BRIEF

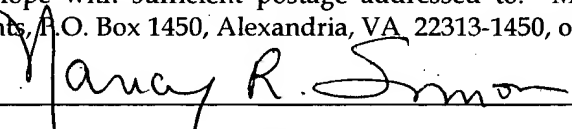
Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This reply brief is filed in response to the Examiner's Answer mailed February 7, 2005.

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope with sufficient postage addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 7, 2005.



Nancy R. Simon

ARGUMENTS

(1) *Whether claims 26-28, 34-37, and 41-45 are anticipated by Masuda*

Claims 26, 27, 28, 34, 35

The Examiner argues Masuda teaches “a host computer system for running an application program” and “a processor device for automatically generating a window control signal in response to said application program” in the description beginning at line 59 in column 36 through line 14 in column 37. Appellant submits this cited section teaches the CPU setting the brightness level of the composition portion by software operation. In particular, Masuda states the “CPU circuit decides whether the area is a specific area, that is, a composition portion or not first. When the area is not a composition portion, the CPU circuit multiplies the picture data B read from the external input means by the desired coefficient so as to adjust the amplitude and transfers it to the picture composition means” (col. 37, lines 3-12). Appellant respectfully submits this description does not teach “a host computer system for running an application program” and “a processor device for automatically generating a window control signal in response to said application program.” Instead, Masuda teaches *setting* the brightness level “*by* software operation”, with the software operation including the decision as to the composition area and the multiplication of the picture data B by the desired coefficient.

The Examiner also argues the descriptions from lines 25-32 in column 37 and lines 3-10 in column 38 implicitly disclose “a host computer system for running an application program” and “a processor device for automatically generating a window control signal in response to said application program.” These cited sections simply describe the elements shown in Figures 43 and 48, respectively. Neither of these cited

descriptions teaches "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program." Appellant notes that lines 30-32 in column 37, which describe Figure 43 state the same reference numbers are assigned to those components shown in Figure 31. And lines 8-10 in column 38, which reference Figure 48, state the same reference numbers are assigned to those components shown in Figure 43. Thus, the descriptions of Figures 31 and 43 will be discussed.

With respect to an application program, the description corresponding to Figure 31 states the "picture composition means, the CPU circuit, the ROM circuit, and the external input circuit may have, for example, the same constitution as that of a computer" and that the "CPU circuit converts, for example, picture data A stored in the ROM circuit to a video signal by the picture composition means *on the basis of program information stored in the ROM circuit.*" Appellant respectfully submits the program information stored in the ROM circuit performs the function of converting the picture data A stored in the ROM circuit to a video signal. This section of Masuda does not teach, however, "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program."

The description corresponding to Figure 43 also does not teach "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program." Nothing found in the description corresponding to Figure 43 discusses an application program or "a processor device for automatically generating a window control signal in response to said application program."

The Examiner further argues the "control signal" shown in Figure 48 teaches the claimed window control signal. However, Appellant submits the description of Figure 48 does not disclose how and why the control signal is generated. The description of the control signal is limited to "... a control signal passing through the interface 352 are supplied to the picture display means 350 from the picture signal output means 351." (see col. 38, lines 19-22). This brief description does not teach "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program."

The Examiner claims the control signal is also taught in Figure 52 and lines 50-60 in column 39. Masuda does state "a signal supplied to the picture display means from the interface is data (composition position data) which is obtained by coding the composition position of picture B." The contents of the composition position data are then described. Appellant respectfully submits the description of Figure 52 does not teach "automatically generating a window control signal in response to said application program."

And finally, the Examiner argues the timing key signal (Key) in Figure 52 teaches a window information signal. Appellant notes the description of Figure 52 states the timing signal key (Key) controls the change-over switch. The timing signal key is not received by a display control device that receives both a video signal and the window information signal and processes the video signal in response to the window information signal.

Based on the above arguments, Appellant respectfully submits claims 26, 27, 28, 34, and 35 are not anticipated by Masuda. Masuda does not teach each and every element of claims 26-28, 34, and 35. Moreover, Masuda does not show the "identical invention in as complete detail as is contained in the claims. Appellant submits the

elements the Examiner cites in Masuda are not arranged as required by Appellant's claims (Section 2131.01 in the MPEP).

Appellant therefore requests reversal of the final rejection of claims 26, 27, 28, 34, and 35.

Claims 36, 37, 41, 42, 43, 44, 45

The Examiner argues Masuda teaches "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program" in the description beginning at line 59 in column 36 through line 14 in column 37. Appellant submits this cited section teaches the CPU setting the brightness level of the composition portion by software operation. In particular, Masuda states the "CPU circuit decides whether the area is a specific area, that is, a composition portion or not first. When the area is not a composition portion, the CPU circuit multiplies the picture data B read from the external input means by the desired coefficient so as to adjust the amplitude and transfers it to the picture composition means" (col. 37, lines 3-12). Appellant respectfully submits this description does not teach "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program." Instead, Masuda teaches *setting* the brightness level "by software operation", with the software operation including the decision as to the composition area and the multiplication of the picture data B by the desired coefficient.

The Examiner also argues the descriptions from lines 25-32 in column 37 and lines 3-10 in column 38 implicitly disclose "a host computer system for running an application program" and "a processor device for automatically generating a window

control signal in response to said application program.” These cited sections simply describe the elements shown in Figures 43 and 48, respectively. Neither of these cited descriptions teaches “a host computer system for running an application program” and “a processor device for automatically generating a window control signal in response to said application program.” Appellant notes that lines 30-32 in column 37, which describe Figure 43 state the same reference numbers are assigned to those components shown in Figure 31. And lines 8-10 in column 38, which reference Figure 48, state the same reference numbers are assigned to those components shown in Figure 43. Thus, the descriptions of Figures 31 and 43 will be discussed.

With respect to an application program, the description corresponding to Figure 31 states the “picture composition means, the CPU circuit, the ROM circuit, and the external input circuit may have, for example, the same constitution as that of a computer” and that the “CPU circuit converts, for example, picture data A stored in the ROM circuit to a video signal by the picture composition means *on the basis of program information stored in the ROM circuit.*” Appellant respectfully submits the program information stored in the ROM circuit performs the function of converting the picture data A stored in the ROM circuit to a video signal. This section of Masuda does not teach, however, “a host computer system for running an application program” and “a processor device for automatically generating a window control signal in response to said application program.”

The description corresponding to Figure 43 also does not teach “a host computer system for running an application program” and “a processor device for automatically generating a window control signal in response to said application program.” Nothing found in the description corresponding to Figure 43 discusses an application program or “a processor device for automatically generating a window control signal in response to said application program.”

The Examiner further argues the "control signal" shown in Figure 48 teaches the claimed window control signal. However, Appellant submits the description of Figure 48 does not disclose how and why the control signal is generated. The description of the control signal is limited to "... a control signal passing through the interface 352 are supplied to the picture display means 350 from the picture signal output means 351." (see col. 38, lines 19-22). This brief description does not teach "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program."

The Examiner claims the control signal is also taught in Figure 52 and lines 50-60 in column 39. Masuda does state "a signal supplied to the picture display means from the interface is data (composition position data) which is obtained by coding the composition position of picture B." The contents of the composition position data are then described. Appellant respectfully submits the description of Figure 52 does not teach "automatically generating a window control signal in response to said application program."

And finally, the Examiner argues the timing key signal (Key) in Figure 52 teaches a window information signal. Appellant notes the description of Figure 52 states the timing signal key (Key) controls the change-over switch. The timing signal key is not received by a display control device that receives both a video signal and the window information signal and processes the video signal in response to the window information signal.

Based on the above arguments, Appellant respectfully submits claims 36, 37, 41, 42, 43, 44, and 45 are not anticipated by Masuda. Masuda does not teach each and every element of claims 36, 37, 41, 42, 43, 44, and 45. Moreover, Masuda does not show

the "identical invention in as complete detail as is contained in the claims. Appellant submits the elements the Examiner cites in Masuda are not arranged as required by Appellant's claims (Section 2131.01 in the MPEP).

Appellant therefore requests reversal of the final rejection of claims 36, 37, 41, 42, 43, 44, and 45.

(2) Whether claims 29-33 and 38-40 are obvious in view of Masuda and Lagoni

The Examiner argues it would have been obvious to a person of ordinary skill in the art to provide Lagoni's BCL in the display device of Masuda because this would prevent damage to the picture tube due to an excessive beam current and prolong the life time of the CRT display device. However, Appellant respectfully submits there is no motivation to combine the references to produce the claimed invention. First, the teachings in the references do not suggest or provide the motivation to combine the references. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP Section 2143.01 (emphasis original). The motivation or suggestion to combine references must be found in the prior art, not in Appellant's disclosure. And "the level of skill in the art cannot be relied upon to provide the suggestion to combine references." Id.

Secondly, the combination of references does not teach all of the claimed elements and limitations. Nothing in the combination of Masuda with Lagoni teaches or suggests "running an application program on a host computer", "generating a window control signal in response to the application program", "generating a window information signal in response to said window control signal", or "providing a video

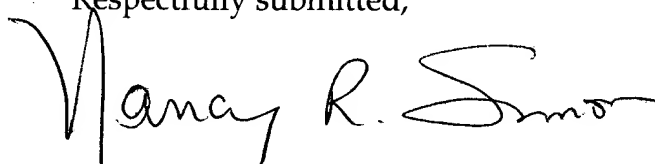
signal and said window information signal to a display control device for processing said video signal in response to said window information signal.”

When an independent claim is not rendered obvious by prior art, then any claim depending from the independent claim is not obvious. In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988) (see also M.P.E.P. § 2143.03). Claims 29-33 depend from independent claim 26. Claims 38-40 depend from independent claim 36. Therefore, claims 29-33 include all of the limitations of claim 26 and claims 38-40 all of the limitations of claim 36. Therefore, Appellant respectfully submits claims 29-33 and 38-40 are not obvious in view of the combination of Masuda with Lagoni.

Appellant therefore requests reversal of the final rejection of claims 29-33 and 38-40.

Respectfully submitted,

Date: April 7, 2005

A handwritten signature in black ink, appearing to read "Nancy R. Simon". The signature is fluid and cursive, with the first name "Nancy" being the most prominent part.

Nancy R. Simon
Attorney for Appellant
Reg. No. 36,930
19925 Stevens Creek Boulevard
Cupertino, California 95014-2358
direct dial (408) 973-7872; fax (408) 973-7282